Confidentiality

- Under both IDEA and the Family Educational Rights Privacy Act (FERPA) all information about ALL students is confidential (secret). All information shared in student files or IEP meetings is confidential. However, FERPA applies only to personally identifiable information.

- If you want to share information about a student, you must have written permission from the parent first. Exception is mandatory reporting of abuse and criminal activity.
Child Find

- Tells the public about special education services
- Done at least once a year with public service announcements and brochures
- Each school should put notices in:
  - Student handbook
  - Student calendars
  - School newsletter
- Principal will be responsible and reports activities to District Office each June 1st.
Screening for ages birth to 5

Children are screened for:
- Hearing
- Vision
- Speech
- Social skills
- General health
- Dental health
- Growth
- Primary Language (ELL)
Screening Kindergarten to Age 21

- Vision and hearing screenings each year for students new to the district must be done in 45 calendar days.

- Screening must be done anytime problems are noticed.
  - The child’s teacher must ask for screening and follow up on results.

- Screening must include students in private or home schools.
General Education Interventions

- It is a building process for students struggling with academics or behavior.
- It is the follow-up process for students flagged by State and district assessments or identified by teachers.
- Each building should have a General Education Intervention Team (GEIT).
- GEIT develops an intervention plan for each student.
- Interventions are designed to help students progress in general curriculum.
GEIT

- Should be used BEFORE evaluation for special education with 2 exceptions:
  - You can show such interventions are not enough to address the concerns OR
  - Parents request and give written consent for an initial evaluation and school agrees

- What if the school does not agree? They must give parents Prior Written Notice of refusal. Parents can ask for mediation or due process hearing to get evaluation done.
See if learning is affected when:

- Behavior becomes more of a problem
- There are changes in behavior
- Grades drop
- Hygiene is poor
- There is difficulty concentrating or staying awake
- There are changes in health OR
- There has been a death or divorce in the family
GEIT Members

- Principal or representative
- Referring teacher
- School guidance counselor
- Parents of the student
- Other members as determined by the student’s needs

Special education staff can only be involved IF:
  - Providing supports to help student progress in general curriculum AND
  - General education interventions are documented in written plan.
GEIT Intervention Plan

The plan must be in writing and say:
- What the concern is
- What the intervention will be
- Who will do the intervention
- How monitoring will be done
- What data will be collected to show if the plan worked and
- What will happen next – new plan, referral to special education, 504 or Title 1.
GEIT refers to special education when:

- The intervention plan, including changing instruction methods and environment, are not enough to meet the student’s needs;
- It takes intense and ongoing resources to meet the student’s needs; and/or
- There are signs the student may have a disability.
Parents must make decisions

The law wants to make sure every child has an adult to make school decisions. The IDEA law says a parent can be:

- The natural or birth parents or the adoptive parents
- A foster parent
- A guardian
- A person acting as a parent (including a stepparent)
- A duly appointed surrogate parent
What if parents are divorced?

- The school has to tell both parents about meetings and parent rights. This is true no matter which parent the child lives with. The only exception is if a judge says which parent the school has to invite (e.g., sole custody).

- What if the school only knows the address of one parent? Then that is the only parent they have to send letters to.

- What if one parent OKs something and the other parent says no? The school does what the one parent OK’d. The parent who says no can file a due process. Someone who does not work for the school will decide.
If there’s no parent, who decides?

- Someone a judge has made the guardian of the child
- OR the person the child lives with (includes a stepparent)
- OR a foster parent IF these four things are true:
  - a judge says the natural parents can’t make decisions about their child and
  - the child has lived with the foster parent for a long time and
  - the foster parent wants to make special education decisions and
  - there is no reason the foster parents can’t make special education decisions.
- OR a person the school has asked to make the special education decisions for a child. This is called a surrogate parent. This is only done if the parents are missing or won’t talk to the school.
When students are 18

- When a student is 18 he or she is an adult by law. Now the student gives the OKs for special education. It does not matter if he or she has a disability. The school must tell the parents and student about this one year before the student turns 18.

- What if the student can’t make special education decisions? Can parents keep giving the OKs? ONLY IF the child transfers those rights back to the parent in writing OR a judge says so. The latter is called becoming a guardian.

- After a student is 18, parents don’t have to be at IEP meetings. Parents may be invited by the student or the school.
If parents want information

What if parents want information about IEP meetings after the student is 18?

- Parents can be invited to IEP meetings by either the student or the school. They will know what happens because they are there.

If parents are not at the IEP meeting, parents can get records of IEP meetings ONLY IF:

- The student is living at home AND
- The parents claim the student on their income tax return; OR
- The student signs a release of information
If a student is in jail

- What if a student is put in a juvenile or adult jail?
- Schools don’t have to teach students who are in jail.
- IDEA considers students in adult jails as an adult for education purposes. This is true no matter how old the student is. The student, NOT the parents, will give the OKs for special education.
- The Department of Corrections is responsible for the education of students in juvenile jails.
Prior Written Notice

Schools must give parents notice in writing:

- Before beginning or changing a student’s identification, evaluation or educational placement
- Before giving a student special education and related services (FAPE)
- Before saying no when a parent asks the school to give FAPE to their child
- When making a change in services OR
- When suggesting a change in placement
- Schools must show parents got the notice, the date of the notice and how it was sent.
- When in doubt, PWN!!!
The notice must explain:

- What the school is planning or refusing to do and why
- What other things the school thought about doing and why they were rejected
- Each evaluation procedure, test, record or report the school used
- Anything else that helped the school make the decision
- That parents have rights
- How to get a copy of rights
- Where parents can get help understanding the law
Parent Rights

Parents have very specific rights in special education. There are 4 times when schools must give parents a copy of their rights (Procedural Safeguards Notice – PSN).

1. The first time a child is referred initially to be evaluated for disability.
2. Once per year—the best time would be at annual IEP.
3. When parents file a complaint against the district.
4. Any time parents ask for a copy
Parent Rights Include:

- Taking part in IEP meetings
- Knowing about IEP meetings at least 10 days in advance
- Inviting others who know the child or have specific expertise to IEP meetings
- Being told what kind of progress the child is making
- Giving consent when needed or taking it back
- Looking at records and decide who else can see the records
- Having an independent educational evaluation (IEE)
- Being told ahead of time about starting or changing the identification, evaluation or placement of the child
- Knowing what rights they have
Parents don't have the right to:

- Choose their child’s teacher, educational assistant, therapist, class or classmates
- Choose curriculum
- Choose teaching methods
- Make unreasonable demands on the teacher that take unnecessary time away from students
- Repeatedly request IEP meetings with full IEP membership to discuss things that could be handled by meeting with just one person
- Abuse, insult, threaten or intimidate school personnel, or disrupt the educational environment (ARS 13-1202, 13-2911, & 15-507).
The school needs parent consent

Parents must give the school an OK in writing before the school can:

- Evaluate a student for a disability
- Put a student in special education
- Re-evaluate a student in special education

Schools do NOT need parents’ OK to:

- Decide what a student will learn
- Give a student therapies
- Make changes in a student’s plan

But parents must participate in these decisions as team members.
If parents don’t respond

A change in placement or service may be done without parent consent ONLY IF:

- School made at least 3 attempts to get parents to come to IEP meetings
- At least 2 different methods were used (i.e., certified mail, call, visit) to give written notice of meeting
- Parents were told at least 10 calendar days before the meeting
- Decisions made during the IEP meeting were documented on Prior Written Notice and Request for Consent
- School tried at least 3 times to give this notice to parents
- Parents did not respond.
If parents say no

- Parents don’t have to give consent.
- They can take it back at any time.
- If parents withdraw consent, it goes into effect the day consent was withdrawn (parents cannot withdraw consent for actions already taken by the school).
- What if the school must have parent consent and parents refuse or withdraw consent? Schools may ask for mediation or due process.
Special Education Process

- Referral – anyone can refer
- Initial evaluation – need parental consent
- Eligibility – 2 requirements – need parent participation in decision
- Placement – need parental consent
- Individual Education Plan (revised at least annually) – Must be in general education curriculum and in general classroom as much as possible – need parent participation in decision
- Related services (transportation, therapies) – need parent participation in decision
- IEP review/revision – changes made if no progress – need parent participation in decision
- Re-evaluation (every 3 years or as needed) – need parental consent
- Discipline – Behavior Plan if needed
- Report cards – individually designed
Referral

Referral to special education is made when:

- Parent requests an evaluation in writing
- A student is identified through screening
- School receives a referral from the Arizona Early Intervention Program (AzEIP)
- GEIT refers a student
- An 18 year old student refers him/herself
- Doctor requests evaluation
- Teacher or other school personnel request evaluation
- The school selects a Multidisciplinary Evaluation Team (MET) to evaluate and determine eligibility.
First, a child must be evaluated

- Asking to have a child evaluated for special education is called referral.
- Parents must OK the testing.
- The school pays for the tests.
- A group called the Multidisciplinary Evaluation Team (MET) looks at the test results.
- Parents are an important part of the Evaluation Team.
The Multidisciplinary Evaluation Team (MET) is:

- Parents of the child
- Student, if appropriate
- At least one general education teacher of the child
- At least one special education teacher
- School person who knows general curriculum
- School person who knows how to adapt curriculum
- School person who knows District resources
- Someone who can explain how evaluation results show child must be taught
- Other professionals, as appropriate
- Others invited by school or parents
Schools must:

- Give parents/student a copy of Parent Rights
- Look at existing data on the student
- Tell parents/student if school is agreeing or refusing to do initial evaluation (send Prior Written Notice)
- Get informed written consent from parent/student
- Schools have 60 school days from getting a referral to placement in special education. The 60 days start the day parental consent is received.
Review existing data

The Evaluation Team reviews existing data. This can be done without parent consent and without a meeting. It must include:

- information from the parents
- screenings
- GEIT
- current classroom-based assessments/observations
- teacher and related service provider observations

ASK: Is the problem caused by curriculum, instruction or environment?
Notice & Consent

School must give parents Prior Written Notice and get consent to do initial evaluation.

- Describe any assessments to be used
- Include a copy of Parent Rights
- If no more assessments will be done, the Notice must say so and explain why.
- Notice must say parents have the right to ask for additional assessments to see if their child has a disability
- If parents ask for more assessments and school refuses, parents can ask for mediation or due process hearing.
Data for initial evaluation

It should come from 5 sources:

1. General education interventions or early childhood screenings
2. Record review
3. Interviews with parents, teachers, related services, student and others as appropriate
4. Observations
5. Tests
If students have trouble speaking English

- The tests must be given in the language for the best test results or be nonverbal in nature.

- A child CAN’T be put in special education because of trouble speaking English.

- The team should ask parents if the child needs to be tested in another language.
Independent Education Evaluation (IEE)

- Parents may request an independent education evaluation if they disagree with the one done by the school.
- “Independent” means it is done by someone not working for the school district.
- If parents get one without notifying the school, the parents pay for it.
- The school pays for the IEE unless it initiates due process to show that its evaluation was appropriate.
- The results of the independent evaluation must be considered by the school even if the school or parents disagree with the results.
Parents can put a note in the file

- The Evaluation Team has to look at what the independent test shows. This is true no matter who pays for the test.
- If parents disagree with something in their child’s file, including assessments, they have the right to put a note in the child’s file. The note says parents disagree and explains why.
- The note has to stay in the student’s file. It stays there as long as the paper parents disagree with is there.
After Evaluation

- Multidisciplinary Evaluation Team (MET) meets to review test results
- Team decides if student is eligible for special education
- School must give parents Prior Written Notice saying if they want to make the student eligible for special education.
If a student is eligible

- School sends parents Prior Written Notice of an IEP meeting to decide if special education is needed.
- If student is placed in special education services, school sends parents Prior Written Notice of the placement decision.
- The IEP Team meets and writes the IEP. Services on the IEP must start NO LATER than 10 school days after parents consent.
- Student must be in special education no more than 90 calendar days after parents consented to initial evaluation.
Who gets special education?

A student can only get special education IF:

- The student has one of the disabilities listed in the IDEA law.
  
  AND

- The student needs special education in order to learn.
  
  AND

- Parents give a written OK for a child to get special education. Parents have the right to decide if a child gets special education or not.
Before age 5

Children can get special education if they are behind in:

- Thinking and learning
- Doing things for themselves
- Hearing, talking, using words
- Growing, walking, moving
- How they talk and act with other people
From ages 5 to 22

Children can get special education if they have one of these disabilities:

- Mental retardation OR
- Hearing problems OR
- Problems talking or using words OR
- Problems seeing OR
- Behavior disorder OR
- Problems walking or using their arms OR
- Autism OR
- Brain injury OR
- Other health problems OR
- Learning disabilities

AND they need special education in order to learn.
Section 504

- Requires schools to make programs and activities accessible and usable for people with disabilities
- Includes physical access and special accommodations like modified assignments to help kids benefit from education
- Section 504 applies to all kids with disabilities, even those who do not qualify for special education
- If a disability substantially limits one or more of a person’s major life activities, section 504 applies
- Section 504 can be used to help kids who do not qualify for special education still get the extra help they need to learn
- All school districts must have a Section 504 coordinator to answer questions

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Services Under IDEA

- Free appropriate public education (FAPE)
- Access to the general education curriculum
- Special education
- Related services
- Assistive technology
- Transition services
- Placement recommendations
- Reviewing and revising the IEP
- Re-evaluation
- Due process safeguards
Who Attends the IEP Meeting?

- Parents
- Student (especially after age 16)
- General education teacher
- Special education teacher
- Member of evaluation team who can explain evaluations
- School representative who knows about general curriculum, knows about the school’s resources, and knows how to adapt curriculum
- Person from an agency that pays for transition services (if transition will be discussed)
- Anyone parents, student or school wishes to invite
General education teacher

- Must participate in IEP development including determining:
  - Appropriate positive behavioral interventions, supports and strategies
  - Supplementary aids and services
  - Program modifications
  - Support for school personnel
- Must participate in review and revision of the IEP
IEP Team meets at least annually

- After annual meeting, can revise IEP in writing without a meeting.

- Parent and school can excuse members from attending.
  
  *Must be done in writing
  *Must say members area will not be discussed or changed
  *Member may be excused if parent and school agree and input is given in writing in advance

- IEP must change if no progress is being made on annual goals or in general education curriculum.

- Any time the IEP Team meets or proposes to change the IEP the parents must be told at least 10 days in advance.
IEP meetings

- Parents have the right to have the meetings at a time that is good for BOTH the parents and the school.

- If English is not the native language, schools must provide an interpreter for meetings.
IEP Meeting Notices

- Must show purpose of the meeting
- Date, time and place of the meeting
- Titles or positions of people who are invited
- That student has been invited (if transition will be discussed)
- Must inform parents of their right to invite others to the meeting
- Must say transition will be discussed (if student is 16 or older)
- Must identify any agency that provides transition services who has been invited.
Before the IEP Meeting

- Ask what other members of the IEP Team will be recommending for this student so there are no surprises at the meeting. Share this DRAFT IEP with the whole team, especially parents, before the meeting.
- If there is disagreement about goals or progress, try to resolve it before the meeting.
- Know the student’s current strengths and needs (baseline).
- Know what is working for this student and what is not.
- Know what kind of accommodations or modifications the student needs.
- Make a list of what you want to discuss at the meeting and share it with the rest of the IEP Team ahead of time.
- Send a copy of the IEP meeting agenda and IEP ahead of time. If there isn’t one, make your own.
- Think of places where this student can be included with kids without disabilities. List places where inclusive practices has worked for this student.
Evaluating & Planning the IEP

- What do you know now about this student?
  - Evaluation information
  - Progress on past IEP goals
  - Observation data
  - Reports from people who know this student (parent, teacher, others)
- What should s/he learn by year end? Same as for other students? If not, why?
- What are the important issues? Behavior? Academic? Both?
- How is general class work evaluated? Expectations? Outcomes?
- What is needed for this student to access the general curriculum?
- Does the IEP measure up on these points?
  - Is the focus clear?
  - Are there high expectations?
  - Are there new things to learn in this plan?
  - Is the student being taught what is being evaluated?
Draft IEPs

- Shorten IEP meetings
- Give everyone a chance to thoughtfully read contents
- Gives time to solve disagreements on contents
- Helps clarify which staff need to attend IEP meetings (except annual meeting).

- IEPs can only be finalized when approved by school and parent.
During the IEP Process

- Work to create the atmosphere of a team working together. Example: Use simple words and terms; don't make anyone feel stupid; arrange the room so everyone is comfortable; make sure everyone is introduced.
- Review the agenda. Schedule separate meetings for “hot” items.
- Build the student’s program on what s/he already know and can do.
- Discuss what and how other students will be told about this student’s disability. Have this written in the IEP, when needed.
- Look for ways to make goals a natural part of the day by fitting them into the general curriculum.
- Look for ways to blend the goals you are recommending with the goals recommended by others.
- Make sure everything is clear.
- Decide who will do what and deadlines. Set times for reporting back.
What’s in the IEP

- How the student is doing in school now
- Annual goals (what s/he will learn in the next year) and how progress will be measured and reported
- Short-term objectives (steps to reach the annual goal)
- How much time, if any, student will be out of general classroom and away from students without disabilities
- Any changes to be made in curriculum and teaching methods
- Assistive technology needs
- Behavior management or health care plan, if needed
- What related services s/he will need (therapy, transportation, etc.)
- How the student will take district and state assessments
- Extended school year services, if any
- Transition services (required after a student is 16)
- If the student is 18, that s/he has been informed of his/her rights
Special IEP Considerations

The IEP Team must consider:

- Strengths of student
- Concerns of the parent
- Results of initial evaluation or most recent reevaluation
- Behavioral concerns
- Limited English proficiency
- Braille
- Communication needs
  - All children
  - Deaf or hard of hearing
- Assistive technology
Things must happen in order

The IEP Team must do things in a certain order.

- Assessments
- How the student is doing in school now. (PLEP)
- Decide:
  - what the student will learn next year.
  - what other help the student will get.
  - if the student needs help with behavior.
  - if the student needs special equipment.
  - if any changes in teaching or tests are needed.
  - what kind of progress and report cards parents will get.
  - if the student will take State and District tests.
  - If the student needs services to get ready to be an adult.
- Decide where the student will learn.
IEP Goals

- Need to be measurable -- how will you know when s/he learns it?
- Need to make sense
- Need to be a natural part of the day
- Must be tied to general education curriculum for that age and grade of child
- Need to be based on the student’s assessed needs
- Must be individualized to the student. One size does not fit all.
- Need to say how goals will be worked on all during the school day (for example, speech needs to be done in class, lunch, recess, etc.)
- Need to blend so that a student is working on several goals at a time
- Need to say what teaching methods, materials or equipment are used. These must change if the student makes no progress.
- Need to be written to encourage interaction with students without disabilities
- Must be changed if the student is not learning.

No goal should last forever!
3 Basic Questions

When writing IEP goals, ask:

- Is it meaningful to the kid?
- Is it done as a natural part of the day?
- Is it tied to the general education curriculum for that grade and that age of child?
IEPs must have:

“A statement of measurable annual goals, including academic and functional goals designed to meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and meet each of the child’s other educational needs that result from the child’s disability.”

P.L. 108-446: Individuals with Disabilities Education Improvement Act, 2004
There **must** be a connection between the general education curriculum objectives, Arizona academic standards, and this student’s IEP goals and objectives.

The IEP Team must decide what the student will learn about each subject the class is studying.

The IEP Team must decide which and how many general education curriculum objectives the student is expected to know.

The IEP Team must make general education curriculum objectives functional and meaningful for this student.
Related Services

- Testing for hearing
- Parent training and/or counseling
- Social work services
- Transportation (to and from school and for IEP activities)
- Interpreter services (sign language or foreign language)
- Psychological services (mental health services)
- Physical therapy (walking, pushing wheelchair, moving arms and legs)
- Occupational therapy (holding a pencil, buttoning a shirt, etc.)
- Recreation (including therapeutic recreation)
- Counseling services (including rehabilitation counseling)
- Orientation and mobility services (going from place to place or in a building – called “travel training” for kids without vision problems)
- Medical diagnosis and evaluation to help a child benefit from education
- Any other services the IEP Team says are needed.
If behavior is an issue...

- IEP must include positive behavioral interventions

- If behavior occurs, IEP must make sure IEP and BIP were followed. If not, changes must be made.

- If IEP and BIP were followed (or child did not have BIP), was behavior manifestation of disability.
Manifestation Determination (MD)

Must be done:

- When a student’s conduct violates the discipline code and would result in a removal for more than 10 days in one school year.
- When a student’s conduct involves Weapons, Drugs, or “Serious Bodily Injury” at school or during school functions and would result in removal to an Interim Alternative Education Setting (IAES) for not more than 45 school days.
- Within 10 days of the decision to change the student’s placement secondary to discipline issues (10 day notice of meeting is waived).
Serious bodily injury

- WHAT DOES IT MEAN?

18 U.S.C. 1365(h)(3)

The term “Serious Bodily Injury” means bodily injury which involves:

(A) A substantial risk of death;
(B) Extreme physical pain;
(C) Protracted and obvious disfigurement; or
(D) Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
Manifestation Determination (MD)

- Parents and “relevant members of the IEP team” must be included on the MD team.
- School must give the parents Prior Written Notice (PWN) of the disciplinary action and must include parent’s rights (PSN)
Manifestation Determination (MD)

The MD Team must answer two questions:

1. Was the conduct in question caused by, or did it have a direct and substantial link to, the child’s disability?
2. Was the conduct in question the direct result of the School’s failure to implement the IEP as written?

If the answer to either questions is “Yes”, the behavior remains a manifestation of the child’s disability.
What if the misconduct is NOT a manifestation?

- The student may receive the same discipline for the same duration that any student would receive for the same offense.

BUT,

- School must continue to provide appropriate educational services (FAPE) starting with the 11th day of suspension/expulsion for the duration of the discipline.
What if the misconduct IS a manifestation?

- Student is exempt from **ALL** discipline for the conduct in question.
- School must conduct a Functional Behavior Assessment (FBA).
- School must develop a Functional Behavior Intervention Plan (FBIP), or review & revise FBIP if one already exists.
- Except for IAES situations, student must be returned to current placement unless the parent and the school agree to change it.
Functional Behavior Assessment

It should tell you:

- When the behavior happens
- How often it happens
- Where it happens
- Who is there when it happens
- What the student gets from it
- If the student can control the behavior and
- If the disability caused the behavior.

- It is used to develop a behavior plan. The Behavior Plan is approved by the IEP Team and is a legal part of the IEP.
Suspension/Expulsion

- The law requires schools to treat students with disabilities differently when it comes to suspension or expulsion.
- Beginning with the 11th day of suspension, a student must get the services in the IEP.
- The IEP Team must meet and decide how to deal with the behavior.
- The IEP Team must decide if placement is appropriate and IEP is being implemented.
- Children suspected of having a disability have the same rights as kids already in special education.
Suspension includes:

- **In-school suspension UNLESS** the student continues to:
  - Have access to general education curriculum
  - Gets the services in their IEP
  - Participates with nondisabled students as much as they would in current placement

- **Bus suspensions UNLESS**:
  - The IEP does **not** include transportation as a related service
  - The district makes alternative transportation arrangements
  - Student can get to school without riding the bus
Transition Services

- Are activities to help a student move from school to adult life.
- Includes instruction, related services, community experiences, developing work skills, daily living skills, and evaluating what work s/he can do.
- By age 16, the IEP team must write transition goals into the IEP.
- Changes can be made whenever needed.
The IEP Team must decide if the student will:

- Take the standard State and District Assessments

  OR

- Take the standard Assessments with accommodations and say which state approved accommodations will be done

  OR

- Take an alternate assessment.
Report Cards

- Must get report cards at the same times as students without disabilities
- IEP Team should decide if they are using a typical report card, the IEP, a narrative or a combination of these to help parents understand progress
- If there is no progress, the IEP Team **MUST** revise the IEP.
Reevaluation

IEP Team must decide every 3 years:

- IF more evaluations are needed AND
- If so, which ones
- Parents and school can agree no reevaluation is needed.

- Schools must inform parents of their right to an independent evaluation.

- Parents must consent to reevaluation. But if they don’t respond, schools can do it anyway. Schools must be able to prove how they tried to get a response.
IEP Team must explain if:

- A student is NOT getting services in the general education classroom OR
- Is not able to participate in extracurricular and nonacademic activities
- The IEP Team must explain why supplemental services and supports are not sufficient to make these possible.
Placement

- This is the last thing the IEP Team decides.
- Students should be in the general education classroom. This is where they would be if they didn’t have a disability.
- OR the student may leave the class part of the day to get extra help.
- Students should be with students without disabilities as much of the day as possible. IDEA calls this least restrictive environment or LRE.
- Any time a student is out of the general education classroom, the IEP must explain why in writing.
Throughout the year

- Communicate successes. Let other IEP Team members know when you are pleased with what they are doing.
- Continue to check to make sure things are working well. When necessary, call follow-up meetings.
- If you were given responsibilities or deadlines in the IEP Team meeting, carry them out.
- If there are problems, ask for help. Resolve problems as quickly as possible. Communicate!
- Communicate, communicate, communicate!!!!!
Notice after meetings

- The school must send Prior Written Notice and Consent **AFTER** IEP meetings to document what services and placement the school plans to give the student. This gives parents a chance to object.
- If parents consent, IEP (or parts agreed on) can be started immediately.
- If parents don’t sign, school must wait 10 school days to see if parents will ask for due process. If they don’t, school can use the IEP.
If there is disagreement . . .

- Meet with the parent, teacher, principal, or special education director - always try to solve problems at the lowest level
- IEP Team meeting
- Mediation
- Formal complaint
- Due process
- Lawsuit
To avoid disagreements

- Give each person a chance to talk.
- Listen, listen, listen to what s/he says.
- Ask questions if you don’t understand.
- Ask others what they think.
- Decide who you agree with OR let the group decide.
- Say what the decision is OR what you will do next (get more information, etc.).
- Once there is a decision, move on.
Mediation

- A voluntary meeting of parents and the school with a mediator to referee. Outside advocates may attend.
- Costs of the mediator are paid by the school.
- The mediation should end with a written agreement signed by the parents and the school.
- Mediation agreements are written, legally binding agreements that can be enforced in court.
- During mediation, unless the family and school agree otherwise, the student stays in his/her present placement.
Formal Complaint

- May be filed by any individual or organization who believes the school is not following the law. Must be written and signed by the person or organization making the complaint.
- Must state that the school district or other agency has not followed the law and give facts on which this is based.
- State special education office staff will investigate. Both the person or organization filing the complaint and the school must have a chance to give information.
- Staff must write a decision to address each part of the complaint, reasons for the decision and send copies to the person who filed the complaint.
- Either the school district or the person filing the complaint may appeal the decision or the corrective actions.
Due Process

- Is used to question the school’s identification, evaluation or placement of the student or the school’s provision of a free appropriate public education.
- The student stays in the same placement during the due process unless the school and parents agree differently.
- If either the parents or school are not satisfied with the results, they may appeal to the state special education office who must conduct an impartial review and make an independent decision.
- The decision is final unless the parents or school district file a lawsuit.
“The Main Thing Is to Keep the Main Thing the Main Thing.” -- Stephen Covey

- The main thing is the best possible education for kids.
- Schools and families should work together as partners.
- Keep the focus on the child.
- Always start off nice and stay that way.
- Make sure you are fighting for what a student needs, not because you are angry with someone.